

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that Engrossed Senate Bill 270 be amended to read as follows:

- 1 Delete the title and insert the following:
- 2 A BILL FOR AN ACT to amend the Indiana Code concerning
- 3 motor fuel.
- 4 Page 1, between the enacting clause and line 1, begin a new
- 5 paragraph and insert:
- 6 "SECTION 1. IC 6-2.5-7-5, AS AMENDED BY P.L.122-2006,
- 7 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 8 JULY 1, 2007]: Sec. 5. (a) Each retail merchant who dispenses
- 9 gasoline or special fuel from a metered pump shall, in the manner
- 10 prescribed in IC 6-2.5-6, report to the department the following
- 11 information:
- 12 (1) The total number of gallons of gasoline sold from a metered
- 13 pump during the period covered by the report.
- 14 (2) The total amount of money received from the sale of gasoline
- 15 described in subdivision (1) during the period covered by the
- 16 report.
- 17 (3) That portion of the amount described in subdivision (2) which
- 18 represents state and federal taxes imposed under this article,
- 19 IC 6-6-1.1, or Section 4081 of the Internal Revenue Code.
- 20 (4) The total number of gallons of special fuel sold from a
- 21 metered pump during the period covered by the report.
- 22 (5) The total amount of money received from the sale of special
- 23 fuel during the period covered by the report.
- 24 (6) That portion of the amount described in subdivision (5) that

represents state and federal taxes imposed under this article,
IC 6-6-2.5, or Section 4041 of the Internal Revenue Code.

(7) The total number of gallons of E85 sold from a metered pump
during the period covered by the report.

(b) Concurrently with filing the report, the retail merchant shall
remit the state gross retail tax in an amount which equals five and
sixty-six hundredths percent (5.66%) of the gross receipts, including
state gross retail taxes but excluding Indiana and federal gasoline and
special fuel taxes, received by the retail merchant from the sale of the
gasoline and special fuel that is covered by the report and on which the
retail merchant was required to collect state gross retail tax. The retail
merchant shall remit that amount regardless of the amount of state
gross retail tax which he has actually collected under this chapter.
However, the retail merchant is entitled to deduct and retain the
amounts prescribed in subsection (c), IC 6-2.5-6-10, and IC 6-2.5-6-11.

(c) A retail merchant is entitled to deduct from the amount of state
gross retail tax required to be remitted under subsection (b) the amount
determined under STEP THREE of the following formula:

STEP ONE: Determine:

(A) the sum of the prepayment amounts made during the
period covered by the retail merchant's report; minus

(B) the sum of prepayment amounts collected by the retail
merchant, in the merchant's capacity as a qualified distributor,
during the period covered by the retail merchant's report.

STEP TWO: Subject to subsection (d), for reporting periods
ending before July 1, ~~2008~~, **2010**, determine the product of:

(A) ~~ten twenty-five cents (\$0.10); (\$0.25)~~; multiplied by

(B) the number of gallons of E85 sold at retail by the retail
merchant during the period covered by the retail merchant's
report.

STEP THREE: Add the amounts determined under STEPS ONE
and TWO.

For purposes of this section, a prepayment of the gross retail tax is
presumed to occur on the date on which it is invoiced.

(d) The total amount of deductions allowed under subsection (c)
STEP TWO may not exceed two million dollars (\$2,000,000) for all
retail merchants in all reporting periods. A retail merchant is not
required to apply for an allocation of deductions under subsection (c)
STEP TWO. If the department determines that the sum of:

(1) the deductions that would otherwise be reported under
subsection (c) STEP TWO for a reporting period; plus

(2) the total amount of deductions granted under subsection (c)
STEP TWO in all preceding reporting periods;

will exceed two million dollars (\$2,000,000), the department shall
publish in the Indiana Register a notice that the deduction program
under subsection (c) STEP TWO is terminated after the date specified

1 in the notice and that no additional deductions will be granted for retail
2 transactions occurring after the date specified in the notice.".

3 Page 3, between lines 36 and 37, begin a new paragraph and insert:
4 "SECTION 4. [EFFECTIVE JULY 1, 2007] **IC 6-2.5-7-5, as**
5 **amended by this act, applies to reporting periods ending after June**
6 **30, 2007.**".

7 Renumber all SECTIONS consecutively.
(Reference is to ESB 270 as printed March 27, 2007.)

Representative Grubb